



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/765,588	04/25/1997	NICHOLAS KIM HAYWARD	10441	6257

7590

12/28/2005

SCULLY SCOTT MURPHY & PRESSER
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

EXAMINER

SAOUD, CHRISTINE J

ART UNIT	PAPER NUMBER
----------	--------------

1647

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT

PAPER

122205

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant's submission filed 03 October 2005 has been received. Applicant indicates that "additional time" is required to confirm that the disclosure of priority document of U.S. Patent No. 5,928,939 provides a constructive reduction to practice within the scope of the interfering subject matter. Applicant additionally requests a suspension to permit confirmation of the sequence of the HGS clone of two other applications which Applicant feels may also be party to the possible interference.

Applicant's concern is noted. However, the Examiner is not in a position to suspend the instant application on this basis. 37 CFR 1.103(a) provides for "suspension for cause". On request of the Applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include: (1) a showing of good and sufficient cause for suspension of action; and (2) the fee set forth in section 1.17(h), unless such cause is the fault of the Office. If a suspension is no longer deemed necessary, pursuant to 37 CFR 41.202(c), Applicant must comply with the requirements set forth in 37 CFR 41.202(a)(2)-(a)(6).

Therefore, the reply filed on 03 October 2005 is not fully responsive to the prior Office action because Applicant has not complied with the requirements set forth in 37 CFR 41.202(a)(2)-(a)(6). See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**CHRISTINE J. SAOUD
PRIMARY EXAMINER**

Christine J. Saoud